

Serial No.: 09/981,337
Docket No.: VAS-5041DIV2
Amendment dated April 8, 2004
Responsive to Office Action of December 11, 2003

REMARKS/ARGUMENTS

Claims 81-105 were pending in the application. Without agreeing with the propriety of the Examiner's rejection of the canceled claims, Applicants have canceled claims 81-102 and amended claim 103. Therefore, claims 103-105 are now pending in the application. The
5 amendments are submitted without prejudice to Applicants' ability to later claim the inventive subject matter of any invention disclosed in the application and, as such, the amendments have been made for the sole purpose of expediting the prosecution of the application.

The Examiner objected to the specification as failing to provide proper antecedent basis for the following claimed subject matter: completely sintered PTFE graft and melted polymer
10 particles. As an initial matter, Applicants have canceled the objected to claims, rendering this objection moot. Further, the specification does provide support for the foregoing subject matter. See, for example, p. 13, ll. 5-12, disclosing a process for completely sintering a PTFE graft; and p. 19, ll. 19-29, which discloses heating deposited polymer particles to a temperature of $363^{\circ} \pm 2^{\circ}\text{C}$, which is above the melting point of PTFE. This clearly enables a person of ordinary skill in
15 the art to use melted polymer particles.

In the instant office action, the Examiner stated that claims 103-105 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicants have, accordingly, amended claim 103 to include in it all of the limitations of now canceled independent claim 100, the base claim on which the previous version
20 of claim 103 was dependent.

The above amendments are made pursuant to 37 CFR § 1.116(a). They introduce no new matter or new issues that would require additional searching and examination by the Examiner. As noted above, they comply with the Examiner's suggestion as to allowable claims. Section 714.12 of the MPEP provides that "[a]ny amendment that will place the case either in condition
25 for allowance or in better form for appeal may be entered."

These amendments put the application in a condition for allowance and, therefore, Applicants respectfully request entry of these "after-final" amendments.

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Petition For Extension of Time

Applicants believe that a One-Month extension of time to reply is in order under the provisions of 37 CFR §§1.136 and/or 1.191 and, therefore, Applicants request such an extension. The Commissioner is hereby authorized to charge the One-Month extension fee of \$110.00 to deposit Account No. 50-1225 (VAS-5041DIV2). Applicants also request for such further extension of time to reply as the Commissioner deems necessary.

Fees Due to File This Amendment

The amendment has resulted in no additional net claims, and thus no claim fees are believed necessary. However, the Commissioner is hereby authorized to charge deposit Account No. 50-1225 (VAS-5041DIV2) for any fees deemed appropriate.

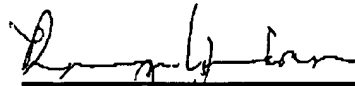
Conclusion

Accordingly, in view of the above amendments and remarks, it is submitted that claims 103-105 are in condition for allowance and, therefore, Applicants respectfully request the Examiner to issue a notice of allowance to this effect.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (949) 250-6801.

If an appropriate payment does not accompany or precede this submission, the Commissioner is hereby authorized to charge any required fees, such as under 37 C.F.R. §§ 1.16 or 1.17, including any request for extension of time, or to credit any overpayment, to Deposit Account No. 50-1225 (VAS-5041DIV2). A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Rajiv Yadav, Ph.D., Esq.
Registration No. 43,999
Edwards Lifesciences LLC
Law Department
One Edwards Way
Irvine, California 92614
Telephone: (949) 250-6801
Facsimile: (949) 250-6850

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